

REMARKS

With entry of this amendment, claims 1-47 are pending in this application. Of these, claims 1-6, 10-17, 19, 21, 24, 26, 32-35, 38-43, and 45-47 stand rejected, and claims 7-9, 18, 20, 22, 23, 25, 27-31, 36, 37, and 44 have been found to contain allowable subject matter. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Rejections-35 U.S.C. §102

Kuzma

Claims 1-3, 5, 10-15, 32-34, and 38-43, 45, and 47 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,205,361 issued to Kuzma, et al. ("Kuzma"). Applicant respectfully traverses this rejection, since Kuzma does not disclose each and every element required by these claims, as amended.

In particular, independent claim 1 has been amended to clarify that the outer surface of the insulative membrane on which the spring layer is disposed is a tissue-contacting surface. Independent claim 32 has similarly been amended to clarify that the planar region on which the spring element contacts is a tissue-contacting planar region. In contrast, to the extent that the interface between the insulative membrane 14 and the combination of the shaped memory element 12 and insulative coating 16 disclosed in Kuzma can be considered an outer surface or planar region of the insulative membrane 14, it is not a tissue-contacting surface or a planar region.

Thus, Applicant submits that independent claims 1 and 32, as well as the claims depending therefrom (claims 2, 3, 5, 10-15, 33, 34, and 38-43, 45, and 47), are not anticipated by Kuzma, and as such, respectfully requests withdrawal of the §102 rejections of these claims.

Partridge

Claims 16, 17, 19, 24, 26, and 46 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,842,648 issued to Partridge, et al. ("Partridge"). Without acquiescence that Partridge is a §102(e) prior art reference, and without prejudice to antedate this reference should it become necessary, Applicant respectfully traverses this rejection, since Partridge does not disclose each and every element required by these claims, as amended.

In particular, independent claim 16 has been amended to clarify that the surface of the insulative membrane with which the spring element is associated is a tissue-contacting surface. In contrast, to the extent that the lead body 116 with the insulating material can be considered an insulative membrane, the main conductive coil 1216, as the spring element, is not associated with a tissue-contacting surface of the lead body 116 or its insulating material.

Thus, Applicant submits that independent claim 16, as well as the claims depending therefrom (claims 17, 19, 24, 26, and 46), are not anticipated by Partridge, and as such, respectfully requests withdrawal of the §102 rejections of these claims.

Claim Objections

Claims 7-9, 18, 20, 22, 23, 25, 27-31, 36, 37, and 44 stand objected to as depending from rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. While Applicant graciously acknowledges the Examiner's indication that these claims contain allowable subject matter, it is believed that they are allowable for at least the same reasons as independent claims 1, 16, and 32 from which they depend. As such, Applicant respectfully requests withdrawal of the objections of claims 7-9, 18, 20, 22, 23, 25, 27-31, 36, 37, and 44.

Conclusion

Based on the foregoing, it is believed that all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849.

Respectfully submitted,

VISTA IP LAW GROUP LLP

Dated: April 5, 2006

By: 

Michael J. Belan
Reg. No. 42,339

Customer No. 23410

Vista IP Law Group LLP
2040 Main Street, 9th Floor
Irvine, CA 92614